

Response to Arguments

Applicant's arguments filed 4/26/2010 have been fully considered but they are not persuasive.

Applicant argues that there is a difference between a sequence of executable instructions and plurality of transactions. Examiner is not persuaded. Applicant asserts that these messages are executable, but the claims as written do not prevent that the transactions are not executable. Additionally applicant argues that these are not the type of messages typically contained on a gateway, but does not prevent the application of the prior art, since the prior art discusses its application. Applicant also argues that there is a message, but the claims as written require a single response, therefore applicant fails to overcome the rejection. Since applicant has not provided any arguments that are persuasive and has not submitted any arguments the present rejection is maintained.

Examiner attempted to contact applicant's representative as requested in the arguments but no phone number was provided. Therefore examiner attempted to contact applicant's representative at the number provided in palm, but it appears to be someone else phone number. Examiner also notes that applicant filed response 4/26/2010, and applicant's representative made no attempt at scheduling an interview with the examiner between then and the current action. Therefore since there were no persuasive argument or amendments the action is made final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17, 20-27 and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Munarriz et al. (United States Patent Application Publication 20020156871) in view of Kadyk et al. (United States Patent 6895425).

For claim 1, Munarriz teaches, a wireless e-mail system, comprising:
a wireless mobile device comprising an e-mail client; (Munarriz,)
an e-mail server; (Munarriz, paragraph 52, email server)
a gateway; (Munarriz, paragraph 62, gateway)
a wireless network interconnecting said wireless mobile device and said gateway; (Munarriz, paragraph 62, gateway, figure 8)
and a broadband network interconnecting said gateway and said e-mail server;
(Munarriz, paragraph 62, figure 8)
wherein when said client transmits a single self-contained request to said gateway via said wireless network to retrieve a set of e-mail related information from said e-mail server, said gateway retrieves at least said e-mail related information from, (Munarriz, paragraph 54, paragraph 54, HTTP POST.request, email headers list),

compiles said retrieved information into a single self contained response and transmits said single response via said wireless network to said e-mail client. (Munarriz, paragraph 54, email headers, complied into XML file)

Munarriz fails to explicitly disclose, said e-mail server via said broadband network using a plurality of transactions

Kadyk teaches, said e-mail server via said broadband network using a plurality of transactions, (Kadyk, Col. 3 line 60 to Col. 4 line 5, sequence)

Munarriz and Kadyk are both in the field of wireless devices

Munarriz and Kadyk are compatible since Munarriz is designed to operate with multiple types of applications, Kadyk, Col. 2 line 60 to Col. 3 line 3)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine Munarriz and Kadyk, by using Kadyk's method of sequencing commands to retrieve the email of Munarriz, because by combining it allows for simplified and smaller devices. (Kadyk, Col. 2 lines 19-23)

For claim 2, Munarriz-Kadyk teaches, the wireless e-mail system as in claim 1, wherein said self-contained request and said single response form a stateless request-response

pair. (Kadyk, Col. 3 line 60 to Col. 4 line 5, routine) and (Munarriz, paragraph 54, email headers, complied into XML file) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 2.

For claim 3, Munarriz-Kadyk teaches, the wireless e-mail system as in claim 1, wherein said e-mail server is an IMAP server and said gateway further comprises an IMAP client application for communicating with said IMAP server. (Munarriz, paragraph 56, IMAP)

For claim 4, Munarriz-Kadyk teaches, the wireless e-mail system as in claim 1, wherein said e-mail server is a POP3 server and said gateway further comprises an POP3 client application for communicating with said POP3 server. (Munarriz, paragraph 56, POP3)

For claim 5, Munarriz-Kadyk teaches, the wireless e-mail system as in claim 1, wherein said e-mail server is an SMTP compatible server and said gateway further comprises an SMTP client application for communicating with said SMTP compatible server.
(Munarriz, paragraph 44, smtp)

For claim 6, Munarriz-Kadyk teaches, the wireless e-mail system as in claim 1, wherein said gateway further comprises an application for monitoring e-mail traffic. (Munarriz, paragraph 59, subscriber database)

For claim 7, Munarriz-Kadyk teaches, the wireless e-mail system as in claim 1, further comprising a mobile operator network, wherein said gateway is an extension of said mobile operator network. (Munarriz, paragraph 62, gateway)

For claim 8, Munarriz-Kadyk teaches, the wireless e-mail system as in claim 1, wherein said single self-contained request and said single self contained response are transmitted using HTTP. (Munarriz, paragraph 23, 25, HTTP)

For claim 9, Munarriz-Kadyk teaches, the wireless e-mail system as in claim 1, wherein said single self-contained request and said single self contained response are implemented using an XML structure. (Munarriz, paragraph 43, XML)

For claim 10, Munarriz teaches, a gateway interconnecting a wireless mobile device and an e-mail server, the wireless mobile device comprising an e-mail client and adapted for data communication with a wireless network, the e-mail server adapted for data communication with a broadband network, the gateway comprising:

 a first stateless interface interconnected with the wireless network; (Munarriz, paragraph 54, email headers, complied into XML file)

 a second interface interconnected with the broadband network; (Munarriz, paragraph 62, gateway, figure 8)

 and a channel management function; (Munarriz, paragraph 62, gateway, figure 8)

wherein when the e-mail client transmits a single self-contained request to said first interface via said wireless network to retrieve a set of e-mail related information from the e-mail server, said channel management function retrieves at least said e-mail related information from the e-mail server, (Munarriz, paragraph 54, paragraph 54, HTTP POST.request, email headers) compiles said retrieved information into a single self contained response and transmits said single response via said first interface and the mobile network to the e-mail client. (Munarriz, paragraph 54, email headers, complied into XML file)

Munarriz fails to clearly disclose, said second interface and the broadband network using a plurality of transactions

Kadyk teaches, said second interface and the broadband network using a plurality of transactions (Kadyk, Col. 3 line 60 to Col. 4 line 5, sequence)

Munarriz and Kadyk are both in the field of wireless devices

Munarriz and Kadyk are compatible since Munarriz is designed to operate with multiple types of applications, Kadyk, Col. 2 line 60 to Col. 3 line 3)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine Munarriz and Kadyk, by using Kadyak's method of

sequencing commands to retrieve the email of Munarriz, because by combining it allows for simplified and smaller devices. (Kadyk, Col. 2 lines 19-23)

For claim 11, Munarriz-Kadyk teaches, the gateway as in claim 10, wherein the e-mail server is an IMAP server, and said second interface is an IMAP interface. (Munarriz, paragraph 56, IMAP4)

For claim 12, Munarriz-Kadyk teaches, the gateway as in claim 10, wherein the e-mail server is a POP3 server, and said second interface is a POP3 interface. (Munarriz, paragraph 56 POP3)

For claim 13, Munarriz-Kadyk teaches, the gateway as in claim 10, further comprising an e-mail traffic monitoring application. (Munarriz, paragraph 59, subscriber database)

For claim 14, Munarriz-Kadyk teaches, the gateway as in claim 10, wherein said single self-contained request and response are transmitted using HTTP and said first interface is an HTTP interface. (Munarriz, paragraph 23, 25, HTTP)

For claim 15, Munarriz teaches, a method comprising:
in a client e-mail application on a wireless mobile device, forming a single request for the e-mail related information; (Munarriz, paragraph 54, HTTP
POST.request)

transmitting said single request to a gateway via the wireless network, said gateway retrieving at least the e-mail related information from the server, wherein said gateway compiles said retrieved information into a single response; (Munarriz, paragraph 54, email headers, complied into XML file)

transmitting said single response to said client application via said wireless network; (Munarriz, paragraph 54, email headers, complied into XML file, paragraph 62, Wireless)

and in said client application, retrieving the e-mail related information from said response. (Munarriz, paragraph 57, display)

Munarriz fails to clearly disclose, the broadband network using a plurality of transactions Kadyk teaches, the broadband network using a plurality of transactions (Kadyk, Col. 3 line 60 to Col. 4 line 5, sequence)

Munarriz and Kadyk are both in the field of wireless devices

Munarriz and Kadyk are compatible since Munarriz is designed to operate with multiple types of applications, Kadyk, Col. 2 line 60 to Col. 3 line 3)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine Munarriz and Kadyk, by using Kadyak's method of

sequencing commands to retrieve the email of Munarriz, because by combining it allows for simplified and smaller devices. (Kadyk, Col. 2 lines 19-23)

For claim 16, Munarriz-Kadyk teaches, the method of claim 15, wherein the e-mail related information is located in a mailbox on the server, wherein said request comprises a mailbox ID and further wherein said retrieving comprises logging onto the server using the mailbox ID and downloading the requested e-mail related information. (Munarriz, paragraph 47, logon)

For claim 17, Munarriz-Kadyk teaches, the method of claim 15, wherein the e-mail related information is located in a mailbox on the server, wherein said gateway periodically determines if new e-mail is available in said mailbox and further wherein if at least one new e-mail message is available in said mailbox, said gateway transmits a new e-mail message notification to said client application via said wireless network. (Munarriz, paragraph 61, new mail notification)

For claim 20, Munarriz-Kadyk teaches, the method of claim 17, wherein said new e-mail message notification transmitting comprises appending said new e-mail message notification to a subsequent single response. (Munarriz, paragraph 61, new mail notification)

For claim 21, Munarriz-Kadyk teaches, the method of claim 17, wherein said wireless mobile device is an SMS compatible device and said new e-mail message notification transmitting comprises transmitting said new e-mail message notification to said client e-mail application using SMS. (Munarriz, paragraph 63, SMS)

For claim 22, Munarriz-Kadyk teaches, the method of claim 17, wherein said wireless mobile device is a WAP compatible device and said new e-mail message notification transmitting comprises transmitting said new e-mail message notification to said client e-mail application using WAP. (Munarriz, paragraph 62, WAP)

For claim 23, Munarriz-Kadyk teaches, the method of claim 17, wherein for each said new e-mail message said gateway retrieves at least a message sender and a message subject and appends said message sender and a message subject to a new e-mail list and wherein said new e-mail message notification comprises said new e-mail list. (Munarriz, paragraph 61, new mail notification, XML document)

For claim 24, Munarriz-Kadyk teaches, the method of claim 17, wherein said gateway determines a quantity of new e-mail messages available in said mailbox and said new e-mail message notification comprises said quantity. (Munarriz, paragraph 61, new mail notification), it would be obvious to one of ordinary skill at the time of the invention to calculate the quantity of new messages.

For claim 25, Munarriz teaches, a method comprising:

providing an e-mail gateway comprising a first stateless interface interconnected with the wireless network and a second interface interconnected with the broadband network; (Munarriz, paragraph 52, email server, paragraph 62, gateway, figure 8)

in a client e-mail application on a wireless mobile device, transferring a single request for the e-mail related information to said first interface via the wireless network; (Munarriz,) in said gateway:

receiving said request at said first interface; (Munarriz, paragraph 54, paragraph 54, HTTP POST.request, email headers list),

compiling said retrieved information into a single response; (Munarriz, paragraph 54, email headers, complied into XML file)

and transmitting said single response to said client application via said first interface and said wireless network; (Munarriz, paragraph 54, email headers, complied into XML file, paragraph 62, Wireless)

and in said client application, retrieving the e-mail related information from said response. (Munarriz, paragraph 57, display)

Munarriz fails to clearly disclose, retrieving at least the requested e-mail related information from the server via the broadband network using a plurality of transactions;

retrieving at least the requested e-mail related information from the server via the broadband network using a plurality of transactions; (Kadyk, Col. 3 line 60 to Col. 4 line 5, sequence)

Munarriz and Kadyk are both in the field of wireless devices

Munarriz and Kadyk are compatible since Munarriz is designed to operate with multiple types of applications, (Kadyk, Col. 2 line 60 to Col. 3 line 3)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine Munarriz and Kadyk, by using Kadyak's method of sequencing commands to retrieve the email of Munarriz, because by combining it allows for simplified and smaller devices. (Kadyk, Col. 2 lines 19-23)

For claim 26, Munarriz-Kadyk teaches, the method of claim 25, wherein the e-mail related information is located in a mailbox on the server, wherein said request comprises a mailbox ID and further wherein said retrieving comprises logging onto the server using the mailbox ID and downloading the requested e-mail related information. (Munarriz, paragraph 47, logon)

For claim 27, Munarriz-Kadyk teaches, the method of claim 25, wherein the e-mail related information is located in a mailbox on the server, wherein said gateway

periodically determines if new e-mail is available in said mailbox and further wherein if at least one new e-mail message is available in said mailbox, said gateway transmits a new e-mail message notification to said client application via said wireless network.

(Munarriz, paragraph 61, new mail notification)

For claim 30, Munarriz-Kadyk teaches, the method of claim 27, wherein said new e-mail message notification transmitting comprises appending said new e-mail message notification to a subsequent single response. (Munarriz, paragraph 61, new mail notification, XML document)

For claim 31, Munarriz-Kadyk teaches, the method of claim 27, wherein said wireless mobile device is an SMS compatible device and said new e-mail message notification transmitting comprises transmitting said new e-mail message notification to said client e-mail application via SMS. (Munarriz, paragraph 63, SMS)

For claim 32, Munarriz-Kadyk teaches, the method of claim 27, wherein said wireless mobile device is a WAP compatible device and said new e-mail message notification transmitting comprises transmitting said new e-mail message notification to said client e-mail application using WAP. (Munarriz, paragraph 62, WAP)

For claim 33, Munarriz-Kadyk teaches, the method of claim 27, wherein for each said new e-mail message said gateway retrieves at least a message sender and a message

subject and appends said message sender and a message subject to a new e-mail list and wherein said new e-mail message notification comprises said new e-mail list.
(Munarriz, paragraph 61, new mail notification, XML document)

For claim 34, Munarriz-Kadyk teaches, the method of claim 27, wherein said gateway determines a quantity of new e-mail messages available in said mailbox and said new e-mail message notification comprises said quantity. (Munarriz, paragraph 61, new mail notification), it would be obvious to one of ordinary skill at the time of the invention to calculate the quantity of new messages.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Munarriz-Kadyk in view of Wener et al. (United States Patent Application Publication 20060085429)

For claim 18, Munarriz-Kadyk teach, the method of claim 15, wherein the e-mail server is an IMAP server, said mailbox has a mailbox name (Munarriz, paragraph 56, IMAP4, paragraph 47, logon)

Munarriz-Kadyk fail to clearly disclose, a periodic determining technique comprises transmitting a SELECT command including said mailbox name to the server.

Wener teaches, the method of claim 15, wherein the e-mail server is an IMAP server, said mailbox has a mailbox name and a periodic determining technique comprises transmitting a SELECT command including said mailbox name to the server. (Wener, paragraphs 30, 34-46)

Munarriz-Kadyk and Wener are both in the field of communicating with a IMAP servers

Munarriz-Kadyk and Wener are compatible, because Wener is the procedure of accessing a folder on a IMAP server

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine Munarriz-Kadyk, by setting the method of retrieve the content of the mailbox, with that of Wener using the SELECT command to retrieve the content of the mailbox on a periodic basis because it is something that is commonly done in the art. (Wener, paragraph 30, Today, most of the existing...)

For claim 28, Munarriz-Kadyk teaches, the method of claim 25, wherein the e-mail server is an IMAP server, said mailbox has a mailbox name (Munarriz, paragraph 56, IMAP4, paragraph 47, logon)

Munarriz-Kadyk fails to clearly disclose, a periodically determining technique comprises transmitting a SELECT command including said mailbox name to the server.

Wener teaches, the method of claim 25, wherein the e-mail server is an IMAP server, said mailbox has a mailbox name and a periodic determining technique comprises transmitting a SELECT command including said mailbox name to the server. (Wener, paragraphs 30, 34-46)

Munarriz-Kadyk and Wener are both in the field of communicating with a IMAP servers

Munarriz-Kadyk and Wener are compatible, because Wener is the procedure of accessing a folder on a IMAP server

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine Munarriz-Kadyk, by setting the method of retrieve the content of the mailbox, with that of Wener using the SELECT command to retrieve the

content of the mailbox on a periodic basis because it is something that is commonly done in the art. (Wener, paragraph 30, Today, most of the existing...)

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Munarriz-Kadyk in view of Gorty et al. (United States Patent Application Publication 20050171996A1)

For claim 19, Munarriz-Kadyk the method of claim 15, wherein the e-mail server is a POP3 server, said mailbox has a mailbox name (Munarriz, paragraph 56 POP3, paragraph 47, logon)

Munarriz-Kadyk fails to clearly disclose, said periodic determining technique comprises transmitting a UIDL command including said mailbox name to the server.

Gorty teaches, the method of claim 15, wherein the e-mail server is a POP3 server, said mailbox has a mailbox name and said periodic determining technique comprises

transmitting a UIDL command including said mailbox name to the server. (Gorty, paragraph 23, periodic polling, uidl)

Munarriz-Kadyk and Gorty are both in the field of communicating with a POP servers

Munarriz-Kadyk and Gorty are compatible, because Gorty is the procedure of accessing a email on a POP server

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine Munarriz-Kadyk with Gorty, by adding the feature of periodically checking the email account, because Gorty provides a more efficient means of accessing a POP email account. (Gorty, paragraph 9, 11)

For claim 29, Munarriz-Kadyk teaches, the method of claim 25, wherein the e-mail server is a POP3 server, said mailbox has a mailbox name (Munarriz, paragraph 56 POP3, paragraph 47, logon)

Munarriz-Kadyk fails to clearly disclose, said periodically determining technique comprises transmitting a UIDL command including said mailbox name to the server.

Gorty teaches, wherein the e-mail server is a POP3 server, said mailbox has a mailbox name and a periodically determining technique comprises transmitting a UIDL

command including said mailbox name to the server. (Gorty, paragraph 23, periodic polling, uidl)

Munarriz-Kadyk and Wener are both in the field of communicating with a POP servers

Munarriz-Kadyk and Gorty are compatible, because Gorty is the procedure of accessing a email on a POP server

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine Munarriz-Kadyk with Gorty, by adding the feature of periodically checking the email account, because Gorty provides a more efficient means of accessing a POP email account. (Gorty, paragraph 9, 11)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of references cited (if appropriate).

This is a RCE of applicant's earlier Application No. 10/579,610. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL**

even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJAY BHATIA whose telephone number is (571)272-3906. The examiner can normally be reached on M, T, H, F 9:00-3:30, Also please fax interview requests to 571-273-3906.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571)272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ajay Bhatia/

Primary Examiner, Art Unit 2445